

PETE SESSIONS
32ND DISTRICT, TEXAS

CHAIRMAN
COMMITTEE ON RULES

COMMITTEE ON
FINANCIAL SERVICES
(ON LEAVE)



Congress of the United States House of Representatives

- ☐ 2233 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4332
TELEPHONE: 202.225.2231
FAX: 202.225.5878
- ☐ PARK CENTRAL VII
12750 MERIT DRIVE
SUITE 1434
DALLAS, TEXAS 75251-1229
TELEPHONE: 972.392.0505
FAX: 972.392.0615
sessions.house.gov

This letter is being sent on December 11, 2014, in anticipation of the government funding deadline. It is important to note that eight newly elected Republican Senators will be sworn into office in early January giving Republicans control of both legislative chambers for the first time since President Obama was sworn into office.

As you may know, unless Congress appropriates and the President signs a funding bill package by 11:59 pm Thursday night, December 11th, the United States government will shutdown as required by the funding gap stipulations in the Anti-Deficiency Act and the United States Constitution. In order to avert a government shutdown, the House of Representatives is currently considering a legislative package known as an omnibus spending bill. This legislation would combine the smaller, specific bills that appropriate money to federal government departments, agencies, and programs into a single, consolidated spending bill.

For FY 2015 the House is considering an omnibus spending bill that would provide funding for eleven of the traditional twelve separate appropriations bills in order to fund almost all of the government through September 2015. The only agency that would not be appropriated funds through September would be the Department of Homeland Security (DHS), which is the cabinet department that includes both U.S. Customs and Border Protection and Immigration and Customs Enforcement. DHS would receive funding equivalent to what the department received in FY 2014 only through February 2015, when Republicans will have majority control of the Senate and should have increased leverage to counteract President Obama's unilateral executive action. The omnibus will have little to no effect on U.S. Citizenship and Immigration Services (USCIS), which is also under the jurisdiction of the DHS, as the agency is almost entirely funded through the collection of user fees subject to permanent, not annual, appropriation – **meaning that even in the event of a government shutdown the President's unlawful executive action will continue to be funded.**

In light of the spending package the House of Representatives is currently considering, there have been a number of ideas put forward to attempt to withhold funding for USCIS and President Obama's executive action. In particular, one plan proposes placing restrictions on the potential use of fees collected by an agency. In a report for Senator Jeff Sessions (R-AL), the Congressional Research Service (CRS), a nonpartisan research and public policy agency within the Library of Congress found that, "the funds available to [an] agency through fee collections would be subject to the same potential restrictions imposed by Congress on the use of its appropriations as any other type of appropriated funds".¹ (See Enclosure A) However, in a specific follow up report (See Enclosure B) that I requested on the USCIS Immigration Examinations Fee Account, **CRS found that current law provides USCIS permanent, indefinite authority to use fees collected for immigration adjudication and naturalization**

¹ "Restrictions on Federal Funds Collected Through Fees or Otherwise Made Available." Nov. 21, 2014. U.S. Congressional Research Service. Dec. 9, 2014.

services.² Furthermore, CRS found that only an enactment of law, legislation that passes both the House and the current Senate that is then signed by the President, could alter these existing provisions.³ In other words, the only way to restrict funding for USCIS, and specifically the plans outlined in President Obama's immigration executive action, is to pass a law through the Democrat controlled Senate prohibiting the use of USCIS fees for immigration and naturalization services. Without a change in the law, fees will continue to self-fund the activities of USCIS, which would include funding the president's executive action. By only funding DHS through February 2015, Congress will be able to readdress this issue when both the House and the Senate are controlled by Republicans.

I strongly support the rule of law and adamantly oppose any action taken by the president to once again circumvent Congress to execute his agenda. While the president is for amnesty and supports providing legal citizenship and the rights that come with that citizenship to those who have knowingly broken our nation's laws, **I am committed to our Constitution and the enforcement of the law.**

I believe that we increase our leverage, and ability to gain concessions from the President, by strategically choosing to confront him on this issue when Republicans gain majority control of the Senate. I am particularly supportive of an initiative by Congressman Mulvaney to block federal funds from being used to carry out the president's executive action, and have committed to bringing it before the Rules Committee as early as January when Republicans have control of both Chambers.

I have voted every time to end the President's executive fiats to halt deportations. The Rule of Law must be upheld and it is my belief that the President is violating his presidential duties and oath of office.

As your Congressman, I remain firmly opposed to illegal immigration, President Obama's amnesty and other rewards for those who have intentionally and knowingly broken our nation's immigration laws, as well as any other unilateral effort by the president to defer his law enforcement duties. Our broken immigration system needs to be fixed, but it must be fixed by Congress so that the American people have a legitimate say in the direction we are heading. I support an immigration plan that is straightforward, concise, thorough, enforcement-first, in the best interest of American citizens, and emphasizes the rule of law. Additionally, key provisions of any immigration reform plan must first and foremost secure our borders, strengthen interior enforcement, prosecute and deport criminal aliens in the United States, establish a true guest worker program, and safeguard our nation's social programs.

Thank you again for engaging me on this important issue. I will be sending further correspondence on these important issues in the days ahead. If you have any additional questions or concerns, please do not hesitate to contact me at 202.225.2231 or by email at Sessions.Immigration@mail.house.gov. Please also note, as a matter of transparency and openness, I have enclosed for your review the full CRS reports cited in the above letter.

² "Budget Process Considerations Associated with the Immigration Examinations Fee Account, 8 U.S.C. 1356(m) and (n)." Dec. 8, 2014. Congressional Research Service. Dec. 9, 2014.

³ Ibid.

Sincerely,

A handwritten signature in black ink that reads "Pete Sessions". The signature is written in a cursive style, with the first name "Pete" being more stylized and the last name "Sessions" being more legible.

Pete Sessions
Member of Congress